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U.S. Pat. App. Ser. No. 10/534,514
Response to Office Communication Mailed August 18, 2006

Remarks

Currently pending are claims 1-3, 5-11 and 13. Claim 1 has been amended by incorporating the limitations of claim 4.

35 U.S.C. § 112

The Examiner rejected claims 4-6 and 9-11 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 1, 5, 6 and 9 to correct for insufficient antecedent basis. Applicants have also amended claim 1 to further clarify that a textile fabric is the product obtained by the claimed method. One skilled in the art knows textile fabrics are prepared by interweaving warp yarn with weft yarn. Thus, amended claim 1 more particularly points out Applicants claimed method as described on pages 5 and 6 of the present application. Accordingly, Applicants respectfully request the rejections be withdrawn.

35 U.S.C. § 102

The Examiner rejected claims 1-3, 7-8 and 13 under 35 U.S.C. § 102(b) as being anticipated by Lund et al. (US Pat No 5,958,082). In view of the incorporation of the limitations of claim 4 into claim 1, this rejection is moot.

35 U.S.C. § 103(a)

The Examiner rejected claims 1, 7, 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Besnara (US Pat No. 5,667,530) in view of Flimlyson, III et al. (US Pat No. 4,351,638). The Examiner further rejected claims 9-11 under 35 U.S.C. § 103(a) as.

being unpatentable over Lund et al. in view of Dixon (US Pat No 5,460,966). In view of the incorporation of the limitations of claim 4 into claim 1, these rejections are moot.

The Examiner also rejected claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Lund et al. in view of Womble (US Pat No 3,043,645).

The Examiner notes Lund et al. discloses a method of dyeing a fabric with naphthol dyes and subjecting the dyed fabric to a stone-wash treatment with enzymes or stones, but does not disclose interweaving cotton yarn with a natural white yarn. The Examiner asserts it would have been obvious to modify Lund et al. with the teachings of Womble to obtain a fabric with diverse patterns and coloring schemes.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation to modify or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the references must teach or suggest all of the claim limitations. Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness.

As amended, claim 1 of the present application recites a method in which warp yarn is impregnated with a naphtholate, the impregnated warp yarn is interwoven with weft yarn and a color is developed after interweaving by the addition of a diazo salt.

In contrast, Womble teaches a method in which sulfur dye is applied to cotton yarn and oxidized to an intermediate state of oxidation, a color is then developed on the cotton yarn by the addition of a diazo salt, and the dyed cotton yarn is subsequently interwoven with white yarn or coloured yarns. Thus, the method taught in Womble is much different than Applicants presently claimed invention for the following reasons.

First, Womble's method is directed to the use of sulfur dyes which are much different than Applicants claimed naphtholate dyes. Womble's sulfur dyes, which belong to a class of dyes known as vat dyes, are insoluble in water and, prior to the dyeing process, must first be converted to a water-soluble precursor then applied to the cotton yarn and oxidized to an intermediate state by air before the addition of the diazo salt.

Further evidencing the fact that dyes in Womble are much different than naphtholate dyes, Womble teaches that the treatment of the oxidized intermediate sulfur dye with the diazo salt is accompanied by an evolution of gas, evidencing a chemical reaction. Womble notes that although the mechanics of such a reaction between the intermediate sulfur dye and diazo salt are not fully understood, the reaction is necessary to attain bleach-fast dyeings and is much different than reactions normally encountered which do not evolve a gas. See US Pat. No. 3,043,645 at col. 3, lines 9-18.

Second, Womble teaches interweaving white yarns or colored yarns with cotton yarn after the cotton yarn has already been dyed by the oxidized intermediate sulfur dye and diazo salt. Womble does not teach or suggest a method of impregnating warp yarn with a naphtholate, interweaving the impregnated warp yarn with weft yarn to form the fabric, and then dyeing the fabric by the addition of a diazo salt. Thus, neither Womble nor Lund et al., alone or in combination, teach or suggest all of the claim limitations in Applicants presently claimed invention. Accordingly, Applicants respectfully request the rejections under 103(a) be withdrawn and the issuance of a Notice of Allowance toward the pending claims.

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Respectfully Submitted,

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